

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

March 10, 2014
3:11 p.m.

REGAL REPORTING SERVICES
516-747-7353

A P P E A R A N C E S:

RICHARD NICOLELLO
Chairman

VINCENT MUSCARELLA
Vice-Chair

ROSE MARIE WALKER

MICHAEL VENDITTO

DAVID DENENBERG
Ranking

DELIA DeRIGGI-WHITTON

ELLEN BIRNBAUM

WILLIAM J. MULLER, III
Clerk

LIST OF SPEAKERS

INSERT TO TRANSCRIPT

Page 10, Line 25 - Page 15, Line 18

2 CHAIRMAN NICOLELLO: I call the Finance
3 Committee to order. Mr. Muller, would you call
4 the roll, please?

5 CLERK MULLER: Legislator Birnbaum?

6 (No verbal response.)

7 CLERK MULLER: Legislator DeRiggi-
8 Whitton?

9 LEGISLATOR DeRIGGI-WHITTON: Here.

10 CLERK MULLER: Ranking Member Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Legislator Venditto?

13 LEGISLATOR VENDITTO: Here.

14 CLERK MULLER: Legislator Walker?

15 LEGISLATOR WALKER: Here.

16 CLERK MULLER: Vice Chairman Muscarella?

17 LEGISLATOR MUSCARELLA: Here.

18 CLERK MULLER: Chairman Nicoletto?

19 CHAIRMAN NICOLELLO: Here.

20 CLERK MULLER: We have a quorum.

21 CHAIRMAN NICOLELLO: Thank you.

22 Items 66 and 67 we will call at the end
23 of the calendar, as they relate to executive
24 session items.

25 The first three we will call are 69-2014,

2 70-2014, and 71-2014.

3 69 is a resolution to adopt the four-year
4 capital plan for the County of Nassau, to
5 commence on January 1, 2014.

6 Item 70 is an ordinance to adopt the
7 capital budget for the County of Nassau for the
8 first year of the four-year capital plan, to
9 commence on January 1, 2014.

10 Item 71 is a bond ordinance providing for
11 capital expenditures to finance the capital
12 projects specified herein within the County of
13 Nassau, authorizing \$279,655,472 of bonds of the
14 County to finance said expenditure.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN NICOLELLO: Moved by Legislator
18 Walker, seconded by Legislator Muscarella.

19 These items relate to the Nassau County
20 capital plan. They are being proposed in
21 committees. The general rule and I believe the
22 practice today is going to be we will tee these
23 up, move these on so that they're ready to be
24 considered, and then ultimately passed by the
25 Full Legislature.

2 We have a motion and a second.

3 Do we have any comments or discussion?

4 Legislator Denenberg.

5 LEGISLATOR DENENBERG: I would just
6 state the remarks from Legislator Muscarella and
7 myself from the -- our understanding is that
8 there is going to be a special meeting on the
9 capital budget and the four-year plan, as well as
10 the bonding ordinance related thereto, and that
11 that meeting is not going to be on March 24 but
12 sometime after March 24 at a date that we didn't
13 know yet. But that special meeting would be for
14 either this committee, the public works
15 committee, or probably the full leg to have an
16 opportunity to question the capital budget, the
17 four-year plan, as well as the bonding ordinance.
18 Am I correct?

19 CHAIRMAN NICOLELLO: That's correct.

20 Any other comments or discussion among
21 the legislators?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Hearing none; all those in favor signify

2 by saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 The items carry unanimously.

7 Item 72-2014, a resolution authorizing
8 the county executive to execute a grant agreement
9 between the County of Nassau, acting on behalf of
10 the Department of Parks, Recreation and Museums,
11 and Museums at Mitchel.

12 LEGISLATOR MUSCARELLA: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRMAN NICOLELLO: Moved by Legislator
15 Muscarella, seconded by Legislator Walker.

16 Any discussion?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All in favor signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 That item carries unanimously.

25 The next two items are also executive

2 session items which we will call at the end of
3 the calendar.

4 I'm going to call the next bunch in bulk.
5 Items 75, 76, 77, 78, 79, 80, 81, 82, and 83.

6 75 through 78-2014 are resolutions to
7 authorize the transfer of appropriations
8 heretofore made within the budget for the year
9 2014.

10 Items 78 through 83 are ordinances
11 supplemental to the annual appropriation
12 ordinance in connection with the Department of
13 Health, District Attorney's Office, and the
14 Office of Management and Budget.

15 LEGISLATOR VENDITTO: So moved.

16 LEGISLATOR WALKER: Second.

17 CHAIRMAN NICOLELLO: Motion by
18 Legislator Venditto, seconded by Legislator
19 Walker.

20 Any comments or discussion among the
21 legislators?

22 (No verbal response.)

23 Any public comments?

24 (No verbal response.)

25 All those in favor signify by saying aye.

2 (Aye.)

3 Carries unanimously.

4 Item 84-2014 is an ordinance amending
5 Ordinance Number 199-2011, which is an ordinance
6 repealing Ordinance 188-2010, as amended,
7 establishing fees to be charged by the Department
8 of Parks, Recreation and Museums in relation to
9 the active duty military and veterans' leisure
10 passport.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR BIRNBAUM: Second.

13 CHAIRMAN NICOLELLO: Moved by Legislator
14 Walker, seconded by Legislator Birnbaum.

15 These items went before the Veterans
16 Committee a few moments ago. We will incorporate
17 by reference the comments made at that meeting.
18 This, as was just said, establishes a one-time
19 \$25 fee for passports for veterans and active
20 duty personnel.

21 (Whereupon, the following is the minutes
22 of the March 10, 2014 Veterans and Senior Affairs
23 Committee meeting pertaining to Clerk Item 84-
24 2014.)

25 We have one item on the agenda for today.

2 Clerk Item 84-14 is an ordinance amending
3 ordinance Number 199-2011, an ordinance repealing
4 Ordinance Number 188-2010, as amended,
5 establishing fees to be charged by the Department
6 of Parks, Recreation and Museums, in relation to
7 the active duty military and veterans leisure
8 passport; and making certain determinations
9 pursuant to the State Environmental Quality
10 Review Act.

11 LEGISLATOR DUNNE: So moved.

12 CHAIRMAN MACKENZIE: Second?

13 LEGISLATOR BIRNBAUM: I have a comment.

14 LEGISLATOR DUNNE: If I may. I wanted
15 to make a comment as well.

16 CHAIRMAN MACKENZIE: We just wanted to
17 point out that this was a bipartisan effort on
18 behalf of legislation proposed by Legislator
19 Birnbaum and amended to make some small changes
20 by the Majority. And we're very happy that both
21 sides of the aisle to take part in this
22 legislation to help veterans. It's going to help
23 Nassau County residents who are active duty
24 military or veterans to obtain county resident
25 leisure passes from the Department of Parks and

2 Recreation for a one-time fee of \$25. It would
3 be the same benefits conferred on people with
4 veterans' passport. The leisure passport was
5 limited to veterans only and required a \$25 fee
6 every three years. The proposed leisure passport
7 is more inclusive and would also include active
8 duty military personnel. And I apologize. Ms.
9 Birnbaum, if you would like to make some
10 comments.

11 LEGISLATOR BIRNBAUM: Thank you. Yes.
12 I'm proud to have brought this legislation forth.
13 It will now bring veterans in line with the
14 senior citizen's rates that are being charged.
15 The inclusion of active military personnel is
16 great. But I would recommend keeping the leisure
17 pass saying veterans and then having a separate
18 one for active military duty. That when those
19 active are no longer, they can convert to a
20 veteran's pass showing the proper identification.

21 CHAIRMAN MACKENZIE: I'm sorry. Just to
22 clarify. Can we have a motion?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRMAN MACKENZIE: Motion by

2 Legislator Dunne, and a second by Legislator
3 Walker.

4 Any debate or discussion?

5 MR. MAY: Mr. Chairman?

6 CHAIRMAN MACKENZIE: Yes.

7 MR. MAY: I just wanted to note that the
8 county executive's office is looking to work with
9 obviously both sides of the aisle on this. As
10 far as the active duty leisure pass, the language
11 that we're looking at is to make the active duty
12 military ID that our service men and women have,
13 that that would automatically count as a leisure
14 passport. That they would not have to pay a fee
15 or get a separate ID. They would go ahead and
16 use their active duty military ID.

17 CHAIRMAN MACKENZIE: Tell the county
18 executive thank you on behalf of --

19 LEGISLATOR BIRNBAUM: I understand that.
20 But my point is that veterans are very proud to
21 have a card that says veterans. So many people
22 already do have that card that says veterans.
23 Just a separate card for the active military
24 duty, that when they're finished serving they can
25 then get a veterans one.

MR. MAY: Yes. We agree. It wouldn't be in place of a veteran's passport. It would be probably a separate line on the ordinance where it would say active duty military personnel can show their ID, no matter what branch of the military they're from, and that would be, for all intents and purposes, be a leisure passport.

Obviously, we have active duty military stationed in Nassau County from all over the country. It's just a benefit to our active duty military personnel.

LEGISLATOR BIRNBAUM: Okay.

CHAIRMAN MACKENZIE: It's my understanding we have a public speaker. Michael Schlenoff from the Syosset American Legion.

MR. SCHLENOFF: Michael Schlenoff, 28 Parkway Drive, Syosset. I am the Vice Commander and Judge Advocate of Post 1812 of the American Legion and the Judge Advocate of Plainview Post 5942 of the VFW, and we are very much in favor of this legislation.

CHAIRMAN MACKENZIE: Thank you, sir, for coming here today.

Any other public comment?

2 (No verbal response.)

3 I'm sorry. Legislator Solages.

4 LEGISLATOR SOLAGES: Thank you. I just
5 would like to commend Legislator Birnbaum for
6 this piece of legislation. This is a great idea
7 and a small way to repair our veterans and our
8 active duty for all their service and for all the
9 dedication they have committed to our country and
10 to our nation.

11 Thank you.

12 CHAIRMAN MACKENZIE: Thank you.

13 All those in favor of the item?

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Unanimously passed, and a great
18 bipartisan effort to help our veterans.

19 (Whereupon, the following is the
20 continuation of the minutes of the March 10, 2014
21 Finance Committee meeting.)

22 CHAIRMAN NICOLELLO: Any other comments
23 or questions?

24 (No verbal response.)

25 Any public comments?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Items 85, 86, and 87-2014 are resolutions -- Item 85 is a resolution to authorize the transfer of appropriations heretofore made within the budget for the year 2014.

85 and 86 -- I'm sorry. 86 and 87 are ordinances supplemental to the annual appropriation ordinance in connection with the Health Department and Police Department.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Venditto.

Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

2 Those opposed?

3 (No verbal response.)

4 They carry unanimously.

5 The next two I'll call together are 89
6 and 90.

7 89 is a resolution authorizing the county
8 executive to execute an amendment to an agreement
9 between the County of Nassau, acting on behalf of
10 the Department of Parks, Recreation and Museums,
11 and the Nassau County Firefighters Museum and
12 Education Center.

13 90 is a resolution to authorize the
14 county executive to execute a grant agreement
15 between the County of Nassau, acting on behalf of
16 the Department of Parks, Recreation and Museums
17 and Friends of Hempstead Plains at Nassau
18 Community College.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN NICOLELLO: Moved by Legislator
22 Walker, seconded by Legislator Muscarella.

23 Any questions?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All in favor signify by saying aye.

4 (Aye.)

5 Those items carry unanimously.

6 I'm going to now call the four executive
7 session items.

8 Item 66-2014 is a resolution authorizing
9 the county attorney to compromise and settle the
10 action *Babor, Blackwell, Halligan, Schweitzer,*
11 *Spina and Young v. Nassau County Civil Service*
12 *Commission, et al.*, pursuant to the County Law,
13 the County Government Law of Nassau County, and
14 the Nassau County Administrative Code.

15 67-14 is an ordinance providing for a
16 capital expenditure to finance the payment of
17 certain judgments, awards, determinations, or
18 compromised or settled claims against the County
19 of Nassau, authorizing \$494,803.02 of bonds of
20 the County of Nassau to finance said expenditure.

21 Item 73 is a resolution authorizing the
22 county attorney to compromise and settle the
23 action entitled *Frierson v. Nassau County,*
24 pursuant to the County Law, etcetera.

25 74 is an ordinance providing for a

2 capital expenditure to finance the payment of
3 certain settled claims against the County of
4 Nassau, authorizing \$895,050 of bonds of the
5 County of Nassau to finance said expenditure.

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR VENDITTO: Second.

8 CHAIRMAN NICOLELLO: Moved by Legislator
9 Muscarella, seconded by Legislator Venditto.

10 Those items are now before the committee.

11 Motion to go into executive session by
12 Legislator Walker, seconded by Legislator
13 Muscarella.

14 All in favor of going into executive
15 session signify by saying aye.

16 (Aye.)

17 So we are in executive session now.

18 (Whereupon, the Finance Committee
19 recessed at 3:16 p.m.)

20 (Whereupon, the Rules Committee
21 reconvened at 3:32 p.m.)

22 CHAIRMAN NICOLELLO: We are back from
23 executive session. Just before we vote I just
24 want to put on the record that we are -- before
25 the Full Legislative meeting we are to receive a

1 chronology of the litigation, the events of the
2 litigation involving Item 66-2014, the *Babor*
3 litigation, which should explain to us, at least
4 in part, the length of time between when the acts
5 complained of and this actual settlement. Having
6 said that, I'm going to call all four together,
7 which were 66, 67, 73, 74.

8
9 All in favor signify by saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Those four items carry unanimously.

14 LEGISLATOR MUSCARELLA: Move to adjourn.

15 LEGISLATOR WALKER: Second.

16 CHAIRMAN NICOLELLO: Legislator
17 Muscarella moves to adjourn, seconded by
18 Legislator Walker.

19 All in favor?

20 (Aye.)

21 The committee stands adjourned.

22 (Whereupon, the Finance Committee
23 adjourned at 3:33 p.m.)

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March, 2014.

FRANK GRAY